



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHCENTRAL REGIONAL OFFICE

March 16, 2012

CERTIFIED MAIL NO. 7011 2970 0002 9461 3602

Roberto H. Robinson
AVP Short Line Marketing &
Commercial Development
Norfolk Southern Corporation
110 Franklin Road, SE
Roanoke, VA 24042-0041

Re: Norfolk Southern Railroad
Transload Station
Sunbury, PA

Dear Mr. Robinson:

The Department of Environmental Protection (Department) has reviewed the Agreement dated April 8, 2011, between Norfolk Southern Railroad and North Sunbury Bulk Transfer, along with other information you provided concerning the transloading facility in Sunbury, Pennsylvania. The information you provided indicates that the only type of waste that will be managed at the facility is oil and gas waste and that the operations constitute transportation by rail carrier.

Section 10908 of the Clean Railroads Act, 49 U.S.C. §10908, would normally require your company to obtain a residual waste transfer facility permit unless it is shown that the facility is operated by, or on behalf of a rail carrier. Based upon the information provided in your submissions, the Department's legal review indicates that Section 10908 does not apply to your operations as the facility appears to be operated by, or on the behalf of a rail carrier and the only waste being managed at the facility is oil and gas waste. Accordingly, your company will not, at this time, be required to obtain a residual waste transfer facility permit under the Solid Waste Management Act.

Although a permit is not currently required, the facility must comply with all Pennsylvania and Federal statutes, rules and regulations pertaining to the protection of the public health, safety and welfare. Consequently, you must operate the facility in compliance with, among things, the requirements set forth under the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.; the Clean Streams Law, 35 P.S. §§691.1 et seq.; the Air Pollution Control Act, 35 P. S. §§ 4001, et seq.; and Section 17 of the Administrative Code, 71 P.S. §1510-17.

Roberto H. Robinson

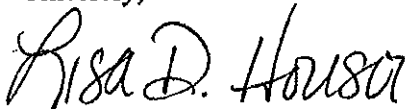
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If any of the information submitted to the Department changes, such as acceptance of other waste streams, termination of the Agreement, or assignment of rights under the agreement, you should notify the Department prior to or at the time of such changes. The Department will evaluate that new information to determine if the changes will require your company to obtain a residual waste transfer facility permit to continue operations.

If you have any further questions regarding this matter, please contact me by telephone at 570.327.3752, or by e-mail at lhouser@pa.gov.

Sincerely,



Lisa D. Houser, P.E.
Environmental Engineer Manager
Waste Management